

PROCEDURES COMMITTEE

Tuesday 18 November 2003
(*Morning*)

Session 2

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CONTENTS

Tuesday 18 November 2003

	Col.
ORAL QUESTIONS	117
ITEM IN PRIVATE	146
NON-EXECUTIVE BILLS	147

PROCEDURES COMMITTEE

7th Meeting 2003, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

*Karen Gillon (Clydesdale) (Lab)

COMMITTEE MEMBERS

*Richard Baker (North East Scotland) (Lab)

*Mark Ballard (Lothians) (Green)

*Bruce Crawford (Mid Scotland and Fife) (SNP)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Mr Jamie McGrigor (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Linda Fabiani (Central Scotland) (SNP)

Robin Harper (Lothians) (Green)

Irene Oldfather (Cunninghame South) (Lab)

Mr Keith Raffan (Mid Scotland and Fife) (LD)

Murray Tosh (West of Scotland) (Con)

*attended

THE FOLLOWING GAVE EVIDENCE:

Patricia Ferguson (Minister for Parliamentary Business)

CLERK TO THE COMMITTEE

Andrew Mylne

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Lewis McNaughton

LOCATION

Committee Room 2

Scottish Parliament

Procedures Committee

Tuesday 18 November 2003

(Morning)

[THE CONVENER *opened the meeting at 10:32*]

Oral Questions

The Convener (Iain Smith): Good morning. I apologise for being a few seconds late—it has been one of those days, so far.

The first item on the agenda is the committee's inquiry into oral questions in the chamber. It is my pleasure to welcome the Minister for Parliamentary Business, Patricia Ferguson, who is here to give evidence to the committee. The minister will make a brief opening statement and I will then open up the meeting to questions from members.

The Minister for Parliamentary Business (Patricia Ferguson): Thank you. I have still not quite got used to sitting on this side of the table at meetings of the Procedures Committee, but I am sure that I will in time.

I welcome the opportunity to give evidence this morning and to contribute to the committee's inquiry into oral questions. The Executive has, as members know, submitted a memorandum on the issues that are being considered in the inquiry and I recognise that the committee has heard a range of views from witnesses. I stress that the Executive is willing to work co-operatively with the Parliament—whatever the procedure that is finally adopted—and I am happy to answer any questions that might arise.

The Convener: I remind members that a note from the Executive was circulated with the papers from our last meeting. Members might want to refer to that note during the question session.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): I welcome the minister to the committee. She looks lonely—I hope that she is okay sitting on that side of the table.

The committee has discussed introducing a thematic element to question time. What would be the advantages and disadvantages of such a mechanism for questioning ministers?

Patricia Ferguson: As our memorandum stressed, we do not have a set position on the issue. However, as we were aware that the committee might look down that road, we

presented some ideas about how such a system might work.

A themed question time would offer the opportunity to explore a particular subject in more depth than the current system allows. In particular, members would be able to develop a line of thought and discussion by asking supplementaries to the initial question. That would be a clear advantage of such a system.

Cathie Craigie: Do you envisage a themed question time being linked to a general question time, so that a proportion of the time would be set aside for themed questions and a proportion for general questions? Would that work?

Patricia Ferguson: I can see the attraction of doing it that way, but it is for the Parliament and—if I dare say so—the Procedures Committee to come up with a recommendation for ministers to work with.

Cathie Craigie: If we were to have a system of themed questions, should the questions be submitted prior to question time or should we have open questions, with which members could raise anything that was of national or constituency importance to them?

Patricia Ferguson: It is important that questions are submitted in advance, for the simple reason that members want an answer that is constructive, detailed and helpful. Members should submit questions in advance so that extra preparation can be done to ensure that the answer is pertinent to the question.

Cathie Craigie: At the weekend, there were complaints in the media about the expansion in the number of civil servants since the formation of the Scottish Parliament. How much pressure would be put on civil servants by the requirement to produce answers for an expanded question time?

Patricia Ferguson: There has been a huge expansion in the quantity of letters to ministers, oral questions and written questions—the latter form the biggest chunk of questions that ministers are asked. I have given evidence to the committee on that expansion. We have managed to cope with it, and there is no doubt that the Executive will adapt to whatever system comes from the inquiry. Having the questions themed on the basis of a rota, as we suggested in our paper, would help to spread the load between departments and that would be helpful.

Richard Baker (North East Scotland) (Lab): Is there any merit in considering not only themed questions by department but cross-cutting questions to ministers? Such questions could relate to youth justice, for example, or to closing the poverty gap.

Patricia Ferguson: Themed questions might work better overall. The statistics that are circulated on the quantity of questions that are asked in a certain period show that some departments are asked more questions than others. The Health Department is an obvious example of that—it is asked more questions than any other department. A themed question time would give us the opportunity to consider how best to react to the fact that some ministers and departments get more questions than others, and the opportunity to adopt a rota that reflected that way of thinking.

Richard Baker: Would you be happy for themed questions to take place in association with an open-question element, to help to preserve topicality? Cathie Craigie mentioned that.

Patricia Ferguson: In principle, yes. I do not have any objections to that, and I know that the committee is considering when and where such sessions could happen.

Richard Baker: Do you have any opinions about an additional question time for ministers? For example, in Wales there are two question times—we have a paper on the Welsh model—with half an hour of questions on Wednesday and half an hour on Thursday.

Patricia Ferguson: I want to safeguard parliamentary time for other things, but if such sessions were to start a little earlier in the afternoon, accommodating them would not be a problem. It is for the Parliament and the committee to decide, and the Executive will try to work with the decision.

The Convener: The recommendation in the Executive's memorandum is that there should be six themes: enterprise, transport and lifelong learning; education, tourism, culture and sport; justice and law officers; environment and rural development; finance and communities; and health and community care. What was the rationale behind those themes?

Patricia Ferguson: There were two elements to it. First, the themes reflect Executive departments, by and large, and grouping together questions for a department would give the advantage of making question time work within one area. Secondly, the themes reflect the fact that some areas get more questions than others. For example, the Health Department gets approximately 20 per cent of questions, so it would make sense to have questions about health and community care in one group. Some of the other themes have been brought together to give balance, because some of the subject areas do not get as many questions as others do.

If it would be helpful, I could give the committee the percentages that we have worked out; that

would give you something to work with. It is almost impossible to get overall balance based on the questions that have been asked up to now, but we tried to achieve balance as much as possible. For example, health and community care would have had 20 per cent of questions and the enterprise grouping that we came up with would have had 19 per cent.

The Convener: That would be useful.

If we proposed 20 or 30 minutes of themed questions and 20 or 30 minutes of open questions, which would mean a six-week rota, would that be reasonable or would some departments have to answer questions more or less frequently? For example, health is a very frequent subject for questions. Would health therefore have to come up more often than once in every six weeks?

Patricia Ferguson: I am not sure. We would probably have to do a trial to see how the rota worked. I am conscious that some questions recur and questions might not always be that topical. We might want to try it, see how it works, and review it after a period of time, as you have done with First Minister's questions. That is a sensible approach.

Karen Gillon (Clydesdale) (Lab): I am interested in exploring the idea of moving all questions, other than First Minister's, to a Wednesday. Would the Executive be happy to support, for example, starting question time at 2 o'clock and having half an hour of themed questions and half an hour of general questions? Would the Executive have the time to be able to deal with that?

Patricia Ferguson: The present gap between the lodging of questions and those questions coming up at question time works pretty well and I am reluctant to reduce that time any further. If we were able to accommodate the questions in a shorter time, reducing that gap would be easier to consider.

Mark Ballard (Lothians) (Green): The Executive is proposing two slots of 20 minutes each Wednesday and Thursday. Is that correct?

Patricia Ferguson: Yes.

Mark Ballard: So that would be a total of 40 minutes each Wednesday and Thursday.

Would one slot be for open questions and the other be for themed questions?

Patricia Ferguson: No. The suggestion is based on slots for themed questions, so that subjects would come round more often than they might do if they were spread over a longer period.

Mark Ballard: The proposal is then for all themed questions. Is that right?

Patricia Ferguson: Yes.

Mark Ballard: You do not envisage any role for the existing and more topical questions to complement that.

Patricia Ferguson: We would certainly be happy to consider that. We are not suggesting a particular position, because we do not have one. We understood that the committee might want to consider themed questions and we have proposed a possible way of doing that. However, if the committee comes up with another way, the Executive will be more than happy to consider that.

Mark Ballard: You would have no objection to having open and themed questions on Wednesday and Thursday.

Patricia Ferguson: Ministers will answer whatever questions are put to them.

Mark Ballard: As you said, the Executive has proposed linking up some of the ministerial portfolios. However, some themes, such as justice, have one minister and others, such as finance and communities, have two ministers. Did you consider linking the theme to the remit of subject committees rather than to ministerial portfolios?

10:45

Patricia Ferguson: No; we looked at the departments within the Executive. We wanted to be able to spread the load among departments while, as I mentioned, reflecting the balance that exists in the frequency with which questions are asked about each portfolio. For example, health and community care would stand alone because it is an important subject that is popular for questions. Some other portfolios would go together. For example, justice would be grouped with questions to the law officers. As the law officers receive questions only occasionally, it would make sense to put those two things together.

Karen Gillon: What was the rationale behind putting finance and communities together? I assume that finance would include local government, which is the obvious missing subject area.

Patricia Ferguson: We just wanted to try to get a balance. As I mentioned, health and community care received something like 20 per cent of the total number of questions submitted. Enterprise, transport and lifelong learning together came to 21 per cent. Finance and communities together came to 16 per cent. That combination was the closest that we could get to balance things out.

Karen Gillon: Would finance include local government?

Patricia Ferguson: Yes.

Bruce Crawford (Mid Scotland and Fife) (SNP): I apologise for not being here earlier. There is an issue about what would happen in a themed question time if a number of questions covered the same area. Has that been discussed?

The Convener: No.

Bruce Crawford: The issue has not been covered.

How would the minister feel about the following circumstances in a thematic question-time slot? If a number of members asked questions on—for want of a better example—the Queen Margaret hospital in Dunfermline, would there be a role for the Presiding Officer in drawing together the questions into one group within that thematic slot so that the questions would be taken in a reasonable order?

Patricia Ferguson: Over the past four years, I have noticed very few occasions on which we have had a glut, if you like, of questions on one topic. I would have thought that the present system of random selection of questions would militate against having large numbers of questions on the same theme or topic. I would hope that the members involved and the Presiding Officer could come to some arrangement so that those questions did not exclude all the other questions that members might want to ask on that topic. There would need to be some mechanism to deal with that.

The Convener: If the committee was minded to retain, in part, a general question time, a couple of issues would arise. First, if we have a split between themed and general questions, should the ministers or departments that are part of the themed question be excluded from the general questions that are asked that week?

Secondly, should we retain an entirely random selection of questions or should there be some scope for the Presiding Officer to select some topical questions? Perhaps we need to bear it in mind that that was the original purpose of what has now evolved into First Minister's question time. Originally, the selected questions were for the Executive, but they evolved into First Minister's question time.

Patricia Ferguson: We would not necessarily want ministers who were involved in themed questions to be excluded from the general question time, if that was the way that things were to be organised. However, random selection has lots of merit, as it ensures that there is an overall balance. It also ensures that there is some party balance without that having to be manufactured artificially. That is an advantage.

As far as topicality is concerned, I think that there are other routes for eliciting information. The most obvious route is First Minister's questions, but members can also write letters to ministers and ask written questions. Topicality could be covered quite easily, but I think that random selection works pretty well, so I would be reluctant to see that change.

Karen Gillon: One view that has been expressed is that the themed question time should become a kind of mini-FMQT with the minister. The relevant Opposition spokespeople would automatically get questions 1, 2 and 3. Do you see merit in that suggestion or would it take away from the back benchers' role of scrutinising the Executive?

Patricia Ferguson: It is important to retain the role of the back benchers in the system. One reason for the Executive and the First Minister being keen to extend First Minister's question time was the recognition that back benchers did not always get their fair share of the available time. I am keen to safeguard the role of the back benchers in any new mechanism. The question whether there should be a specific role for Opposition spokespersons perhaps needs to be discussed further. I am not sure whether the committee has received any submissions on that issue, but I am not aware of any. There is a role for front-bench spokespersons, but I would not like question time to become simply an exchange between them and ministers, which would be against the spirit of the exercise.

Karen Gillon: A solution might be to have a random selection of questions and for the Presiding Officer to have the discretion to allow spokespeople to ask supplementary questions. Would that be useful?

Patricia Ferguson: That might well be a mechanism that could be used.

The Convener: Is the Executive satisfied with the way in which the changes to First Minister's question time have worked? Does the Executive wish to make any further changes?

Patricia Ferguson: One good feature of the changes is that they have allowed extra time for questions from back benchers. That feature is beginning to have an effect—on most occasions, the Presiding Officer gets through all the questions that are submitted, which is a real plus. However, it is too early to tell whether we want the system to remain the same. We are, rightly, having a trial period and I would like to see how it works for a bit longer before I reach firm conclusions on the operation of that slot.

The Convener: Specifically, is the move to 12 noon working well?

Patricia Ferguson: It works well in the sense that it gives us two question time slots. That is a plus, given that one of the First Minister's original reasons for the move was to try to ensure that more of the school groups that come to the Parliament could attend question time. Previously, many of the groups had to leave Edinburgh earlier than First Minister's question time. A little time is needed before people get used to the new slot and for education centre programmes and visits from constituencies to be organised to accommodate the change. It is a little early to tell conclusively whether the present form is the way that we want First Minister's question time to be finally.

Bruce Crawford: You are right that it is probably too early to tell. We need more statistics on BBC audience figures and other information.

When we discussed FMQT previously, one school of thought was that we should be bold and move it to the first slot of business on Wednesday afternoons, which would have elevated it to the most important and significant part of the week. The idea was that the Parliament, at the beginning of its week, would deal first with First Minister's question time. Depending on the result of the survey that will be conducted after the pilot, would the Executive have any objection to considering that slot? We even discussed the suggestion that the slot should begin at 2 o'clock rather than at half past 2.

Patricia Ferguson: If we were to add any slots or reconfigure the existing ones, we would want to do that by starting earlier because we would not want to cut into available chamber time. It is a matter for the Parliament whether to have First Minister's question time at the time that you suggest. My view is that the questions that the leaders of the Opposition parties ask the First Minister are often about matters that come to light in the first few days of the week. I am not sure whether the leaders would be able to ask questions on Wednesdays with as much vigour as they ask them on Thursdays, because subjects often gather momentum as the week goes on. The present slot gives the leaders the perfect opportunity to ask about issues of concern.

Mark Ballard: Do the current open, or diary, questions work effectively from an Executive point of view, given that Opposition leaders can ask a diary question but no other member can? Would you like to see more or fewer diary questions?

Patricia Ferguson: I do not think that diary questions should be extended beyond the current number. They provide a mechanism for the party leaders of the two main Opposition parties to try to catch the First Minister unawares. The First Minister is very comfortable dealing with those questions and does not have a problem with them.

From that point of view, I do not have a concern about them. However, if all the questions were along those lines, it would be much more difficult for the answers to be as comprehensive as they often are, and for the First Minister to answer the questions that members want to be answered. First Minister's question time would become some kind of show at that point, rather than something that is meaningful and which gives members information that is of use to them or helps them.

Mark Ballard: But does not that set up a distinction between back benchers asking their questions and Opposition leaders asking their open questions? It almost results in two kinds of question time in one slot. There has been concern that there is dissonance in the responses to those two different styles—one of which tries to catch the First Minister unawares, as you said, and the other that is part of the debate and seeks to elicit information. Is there an issue about having those two kinds of questions and debates in one slot?

Patricia Ferguson: I do not think so, in the sense that there is possibly an argument for there being a different role for the leaders of the Opposition parties than there is for back benchers. The two things happen to occur at First Minister's question time, because that is the one slot in the week. However, it is a matter for the Parliament to decide. It was not the Executive that came up with the current formula. Our ministers—including the First Minister—are always happy to answer whatever questions come down the road to them. It is not for us to make a hard-and-fast rule on that.

Richard Baker: Do we now have the right balance, in terms of opportunities to ask questions, between party leaders and back benchers? Would it be worth examining ways of giving more time to back benchers by looking at the way in which party leaders use their supplementaries? Should back benchers have an open question as their question?

Patricia Ferguson: We are doing an awful lot better than has ever been the case before on including more back benchers in First Minister's question time. That was the First Minister's intention when he wrote to the Presiding Officer suggesting that First Minister's question time be extended. I know that the Presiding Officer agreed with that thought, because he too was anxious about the role of back benchers. At the end of the day, the balance has to be a matter for the Presiding Officer, but First Minister's question time is working an awful lot better with regard to back benchers than it did in the previous parliamentary session.

Richard Baker: The committee gave a questionnaire to people who were watching First Minister's question time in the gallery, the majority of whom did not feel that the party leaders should

always have the first two or three questions. Do you have any views on that?

Patricia Ferguson: The Executive's overall view of First Minister's question time is that it should probably be a bit more flexible than it is at the moment, but that is a matter for the Parliament to take away, research and reach conclusions on.

Bruce Crawford: I have a more general question on questions, and the flipside of them—the answers. The Presiding Officer has powers to deal with members who, in asking questions, go on at length or do not stay with the subject of the original question. Should the Presiding Officer be provided with powers to curtail the length of ministers' answers—if they are overly long and detailed—and to rule on their relevance?

Patricia Ferguson: It can be hard for ministers to be as concise as they would like to be. The Executive believes firmly that ministers should be concise and should keep their answers brief where at all possible. However, that can sometimes be difficult. The questions are often lengthy; sometimes, they are more like mini-speeches than questions and they can contain several relatively complex or detailed questions. In those circumstances, it is only right that ministers have the opportunity to answer questions as fully as is demanded.

Bruce Crawford: The point is that, although the Presiding Officer has the power to deal with the questioner, he currently does not have the same power to deal with the person who is providing the answer. Should he?

11:00

Patricia Ferguson: Once the question is out of the bag, so to speak, it is difficult to pull the minister back from giving the appropriate answer. I think that any minister who was given an indication by the Presiding Officer that they were going on for too long and should stop would take that advice seriously, whether it was given formally or informally.

Bruce Crawford: The equivalent power exists in the House of Commons, where Mr Martin, the Speaker, can curtail an answer. I realise that I am making a statement now and that we should move on to questions. I am not here to make statements. I have a strong perception on the matter but I am sure that members do not want to hear it.

Mr Jamie McGrigor (Highlands and Islands) (Con): What does the minister think of the idea that there should be three different question times: First Minister's question time, general question time and thematic question time? In order to accommodate all those, would it be necessary to move into evening working, possibly on a Wednesday?

Patricia Ferguson: As I indicated earlier, if the Parliament were to come up with a new arrangement for question time, which included an element of topicality and an element of thematic questions, we would be happy to work with that. If we were to consider changing the timing of question time, our preference would be to eat into the lunch break more, rather than extending into the evening. We would jealously guard the opportunity that the 5 o'clock finish gives to many members with constituency or caring commitments, which they will want to maintain.

Mark Ballard: We received a response from a community group in West Lothian that had spent some time considering First Minister's question time. It said:

"There was a lack of respect to fellow members in the chamber – too much chit-chat and hilarity while debates were taking place."

The group also said that there was "Too much heckling". Do you have any comments on that response?

Patricia Ferguson: The community group is probably absolutely correct in its assessment. That probably is how it looks to the observer, during debates as well as during question time. I suspect that it is the responsibility not just of the Presiding Officer, but of all of us, collectively, to make people's experience when they watch proceedings conform to how they think their Parliament should work. We must all take that on board.

Bruce Crawford: Do you think that proceedings should become boring?

Patricia Ferguson: No, but they can be courteous and exciting at the same time.

The Convener: That is possibly a good point on which to close the discussion. I thank Patricia Ferguson for coming along and giving us her points of view on oral questions. The committee will consider the evidence that it has received and I hope will come up with some recommendations over the next few weeks. I thank the minister for her time this morning.

Patricia Ferguson: Thank you. I look forward to seeing the committee's recommendations.

The Convener: Before we consider the summary of the evidence that we have received, which was produced by the clerks, I draw members' attention to the reports from various focus groups, to which Mark Ballard referred, and to the questionnaires that we have received. Those are still coming in and they have not yet been fully analysed, but those that have been received are available as background information. I hope that a full report will be produced for our next meeting, when we will consider the draft report. As I said, the information is there, and I hope that members found it of interest.

The paper before us attempts to summarise the evidence that we have received to date and highlights possible options for the committee with regard to a draft report. We could go through the paper one question at a time, looking at the options that are presented in the various boxes.

Karen Gillon: It is quite difficult for us to come to agreement without all the evidence from the focus groups and the evidence from the minister in front of us.

The Convener: We are not reaching a final agreement on the matter; we are simply trying to get a steer on where we are going so that we can at least make some progress. As our intention is to try to consider the final report at our final meeting of the year, we will really need to prepare some form of draft report for our next meeting. As we know, a draft report does not necessarily contain the committee's final conclusions; instead, it aids discussion. We are considering the paper before us to give me and the clerks a steer on the shape of the report, to consider various options and to think about whether we want to send any of those options out for further consideration by members. As I have said, we are not reaching any final decisions today. We have heard all the oral evidence and have received written evidence from most of the community groups, although their views have not yet been analysed fully. As a result, we should be in a position to make some initial proposals about the report's shape and the issues that we should consider. That is what I hope to do this morning.

Shall we go through the issues that have been raised question by question?

Karen Gillon: Does the paper include the views of the community groups that we spoke to?

The Convener: It does not include all of those views, because some of them were received after the paper was drawn up. However, we have received the written submissions from those groups and members have had a chance to read them. If you want to raise any points that arise from those submissions, you can do so at this stage. In any case, they will not be excluded from the draft report when we come to consider it at our next meeting. Indeed, there will be plenty of time for any points that have been missed to be taken on board, because we will consider the draft report at our next meeting and our final report at the meeting after that.

Cathie Craigie: I find it quite difficult to consider a summary of the evidence if all the evidence has not been summarised for us. I suggest that we ask members to submit to the committee clerks their comments on the paper and on the evidence that we have received so that we can consider a draft report at our next meeting.

The Convener: Although that would be a way forward, I would prefer to have a brief discussion of the issues. As I have said, we are not reaching any final conclusions on the matter; I just want to get a steer on things. There is no point in our going in a particular direction if the committee is minded to go a completely different way.

I hope to get a steer from the committee this morning on the basis of the paper before us. Members will be able to draw on the written evidence that we have received from all bar one of the community groups that we spoke to, even though that evidence has not been analysed and put together in a single report. The paper contains the survey work and all the oral and written evidence that we have received to date. Members have all the information in front of them; it just has not been drawn together into a single report. I just want a steer from the committee about the direction in which we should go and about whether we need to do any additional work before we draw up the draft report. For example, we indicated that we might want to send members a further survey to seek their views on one or two issues and we will really need to find out today whether we want to do so if we want to complete the report by the end of the year.

Mark Ballard: I get the impression that there is a broad consensus that some aspects are about right and that there is a lack of consensus on other issues. As a result, I think that it is valid to divide the issues that we want to continue to work on from those that we can leave. We could go in many different directions and such an approach will help us to clarify what we should focus on and what we should leave for the time being.

Karen Gillon: Are we going to send members a paper that sets out a series of options?

The Convener: We will have to decide that today, because it could affect the timetable for completing the report.

Bruce Crawford: I thought that the reason why the paper before us contained a series of options instead of recommendations was to allow us to explore with members whether the options were the correct ones. It might help us if we consider the paper as preparation for a questionnaire that gives members a range of options and asks them to choose their preference. I do not think that we should say that the paper is the first step towards producing the report, because we have not yet reached that point.

The Convener: To be honest, I think that the paper is a bit of both. As Mark Ballard pointed out, we might be fairly clear about the direction that we want to take in some areas. In that case, the questionnaire might simply ask members whether they are content with what we intend to propose.

We might wish to have a wider discussion about two or three options that are still on the table.

Bruce Crawford: What if we are content to put out a questionnaire and the members come back and say that they have a different view from ours?

The Convener: Then we have obviously got it wrong—that is the nature of it. At some point, the committee has got to steer the discussion.

Bruce Crawford: I understand that, provided that we are doing it in that setting and that the main purpose is to prepare ourselves for the questionnaire. Although that gives the nature of the conversation some steer or deflection, it will not allow us to make decisions. I can look at one area, for instance—

The Convener: I am not expecting the committee to make decisions today. I am trying to get a steer on the direction in which we want to go and the issues on which we want to consult further, so that we have some way of producing a paper that will be used as a basis for making decisions at the next meeting, if possible.

Bruce Crawford: Okay.

Karen Gillon: The first question is whether question time should be themed, topical or mixed. That is the key question that we want members to answer. The rest of it follows on from that, as the issues are then about the selection of questions, how question time runs and the timing of it. We need to decide first what kind of question time we are asking members about, as that will affect the questions that come afterwards. Their answers on a themed question time might be different from their answers on a topical question time.

The Convener: That is a valid point, and we should perhaps take that issue first before we go through the rest of the paper. Personally, I think that we should opt for the mixed approach of having a weekly themed period of between 20 and 30 minutes and a weekly open period of between 20 and 30 minutes.

Karen Gillon: I put the proposal on the table that we move to a weekly question time that starts at 2 o'clock or 5 past 2 on a Wednesday and runs until 3 o'clock, with 25 minutes or half an hour of themed questions and 25 minutes or half an hour of general questions, depending on the mix. We could try that for a period to see how it works.

Bruce Crawford: I have no problem with that suggestion, but we are starting to make decisions.

Karen Gillon: No, I am proposing that as a suggestion for the paper that will go to members. I believe that that is an option that we should explore with them.

Bruce Crawford: Okay. I agree with the process of splitting question time up. We should

have thematic and topical questions. However, can we ask members what they think the best time would be, rather than be directive about it?

The Convener: Yes. We need to set out the options for the timing. As Karen Gillon said, one option would be to move both question times to Wednesday. Another option would be to have a themed question time on Wednesday and a general question time on Thursday. A third option would be to leave question time where it is at present.

Bruce Crawford: To take the Executive's view, a further option would be to have one on Wednesday and one on Thursday. One could be topical and one could be—

The Convener: That would be two themed question times.

Bruce Crawford: Well, it is an option.

Karen Gillon: It is an option that we need to put down.

Bruce Crawford: As Patricia Ferguson rightly said, that should allow more frequent repetition of subjects, more opportunities to ask thematic questions and a greater rotation.

The Convener: Are you suggesting that we should have two themed question times a week, plus a topical one?

Bruce Crawford: Two themed and two topical. That is what the Executive has suggested.

The Convener: No, the Executive has suggested two themed question times and no topical ones.

Bruce Crawford: No topical ones?

The Convener: The Executive's rota was based on two themed question times.

Bruce Crawford: No. In response to the question that was put by Mark Ballard, Patricia Ferguson said that the Executive had formed that view because it thought that that was what the committee wanted, although it was relaxed about the questions being topical.

The Convener: Yes, but I do not think that she was suggesting what you are suggesting. My concern with that is that we would end up either with entire meetings of the Parliament for question time—despite the fact that there are other things that the Parliament has to deal with—or with the question times being so short that they would not fulfil the functions that they are intended to fulfil.

Bruce Crawford: I do not dispute that.

The Convener: We want to allow extended themed question times to have more in-depth questioning. If the time is so short, we will not

achieve that. What would be the value to the Parliament of doing that?

Cathie Craigie: We will have to check what the *Official Report* says. My understanding of Patricia Ferguson's response was that the Executive was suggesting that question time on Thursday could be part themed with the other part for general questions. I got the impression that Wednesday was being suggested as the time for a themed question time. The amount of time that is available over the two days would actually be extended by 20 or 25 minutes.

Mr McGrigor: My suggestion is that there should be a dual-theme question time on a Wednesday. Existing question times should remain as they are, although there should be a change from the lunch-time slot back to the afternoon for First Minister's questions. In other words, there would be three question times, with the Wednesday afternoon session having a dual theme. Two departments would be represented, and that would happen in rotation so that most of the departments would be covered in three weeks or a month.

11:15

Bruce Crawford: We are in danger of producing extra solutions. Do you want themed questions and should there still be topical questions, and on which days should they be asked?

Mr McGrigor: I am making my suggestion having read the evidence, which appears to back up my view.

The Convener: Unless we have a significant increase in question time from the present hour and 10 minutes a week to around two hours a week, we will not be in a position to recommend two themed question-time sessions plus a general question time.

Mr McGrigor: With 15 minutes per theme—

Bruce Crawford: Is it worth while—

Mr McGrigor: After the minister's statement, how long would the question period be?

The Convener: How many questions do you get in a 15-minute slot—about four? I would be reluctant for the committee to suggest at this stage that we go down that route.

Mr McGrigor: Why? Because of lack of time?

The Convener: Because of time issues.

Mr McGrigor: Would it be impossible to find another half hour somewhere?

The Convener: Where?

Mr McGrigor: By pushing into the evening slightly.

Karen Gillon: No. Absolutely not.

Mark Ballard: The underlying question is whether we want to have a question-time session that is just themed, just topical, a mixture of themed and topical, or two-themed. Those are the A, B, C and D options in the questionnaire. When we get an answer to that, we can try to work out timing and how to fit it in.

Karen Gillon: The first comment that people will come back with is, "But you didn't ask me when I wanted them to be." You will have to ask members whether we can move to 2 o'clock on a Wednesday. If that is something that we are seriously considering, we will have to ask members whether it is an option.

The Convener: We do have to ask those questions, and not just about Wednesdays. We might wish to do that on a Thursday, particularly if we want to leave open the option of moving First Minister's questions back to the afternoon. The evidence shows that the experiment of holding it at 12 o'clock has not worked.

Mr McGrigor: It seems to me that question times should be extended rather than made shorter, and all the current evidence shows that.

The Convener: Nobody is suggesting that the time allowed for questions should be made less. What I am questioning is how much longer we can realistically make it in a Parliament that currently sits for three sessions a week. To use up what is in effect a full session for questions is unrealistic.

Mr McGrigor: Perhaps we should assess the value of the questions, although that might not be what most people want to hear.

The Convener: I am afraid that that is not for this committee to judge. Essentially, what we want to do is to find out whether members support thematic questions only, a mix of thematic and general questions or retaining the status quo. We then want to ask whether they wish to consider starting at 2 o'clock on a Wednesday to allow part or all of question time to take place on a Wednesday afternoon.

Karen Gillon: Could we not just give them a series of options? We could say that the options are to change to Wednesdays at 2 o'clock and do one thing, stay where we are, or change to Thursday at 2 o'clock. We could then see what they say. That is better than asking, "Do you want this? Do you want that?"

The Convener: We have to ask members whether they want themed questions, general questions or themed and general questions. That is one set of options. The timing of questions presents another set of options.

Karen Gillon: Could you not just give them a series of options and just say, "Here you are. Please tell us which you prefer: the status quo; Wednesday at 2 o'clock for 20 minutes of themed questions with one minister and 20 minutes of themed with another minister—"

Mr McGrigor: Is that in addition to what we have already?

Karen Gillon: No, let me explain. We can keep the status quo or we can keep the status quo timing, but have themed questions and no general questions. Another option is to move to 2 o'clock on a Wednesday and have a 20-minute themed session with one minister, a 20-minute themed session with another and a 20-minute general session. That would give us an hour of questions on a Wednesday; it would extend the parliamentary day by half an hour and we could scrap questions on Thursday. In that way we would not lose any parliamentary time; we would just be moving the time of the debate to Thursday. We could do the same thing at 2 o'clock on Thursday. Those are the four options.

Having heard the evidence, the committee's duty is to give members a series of options. If we do not do that, we will be faffing about in this way for the next six months and will never come up with an answer.

The Convener: No one disagrees with you about giving members options.

Mark Ballard: We must remember that we are also dealing with First Minister's question time.

Karen Gillon: No we are not.

Mark Ballard: That is the subject of the investigation, too.

The Convener: First Minister's question time is subject to a trial at present and we must allow that to run until the end of the year at least, as we agreed. We will consider the evidence from that trial early in the new year. Any changes to standing orders might not happen until we have been able to consider First Minister's question time. We should not be making decisions specifically on First Minister's question time today.

Mark Ballard: My point was that, I think that the process would be better if we were to ask general questions about what people wanted, then design a system to fit, before giving people the choice on the new system. I am sure that, because there are seven members on the committee, we will end up with seven choices. It is better to ask the questions and then design a system based on the answers rather than to give members seven different well-worked-out time plans. We are better to stick with the questions about what kind of oral questions members want and then design a system to fit.

Mr McGrigor: Are you suggesting that—

The Convener: Will you speak through the convener, Jamie?

Mr McGrigor: For clarification, is the member suggesting that we should leave oral questions as they are and have a separate question time on a Wednesday?

Mark Ballard: At this stage we should be asking whether members want thematic questions or a mix of thematic and topical questions. We should ask those questions before we start to design systems. We ought to leave designing systems until we have those answers otherwise we will spend all our time now designing systems.

The Convener: But we are not designing systems; we are consulting members on what they think is acceptable.

Bruce Crawford: Frankly, we are in a mess here. We do not know what we are doing; we are all over the place.

Mr McGrigor: Speak for yourself.

Bruce Crawford: With regard to the different options that have been put on the table, there has been no real focus on what we are trying to achieve. We should bear in mind the points that Karen Gillon made at the beginning about having all the evidence in front of us and then coming back to have another kick at it to ensure that we are a bit more focused.

The Convener: Bruce, we will not have the evidence in front of us until we have consulted other members. That is part of the problem. I suggest that we go through the paper and find out where we are at the end of it because if we do not do that, we might not get anywhere. We do not have to spend a lot of time on it.

Karen Gillon: With all due respect, I do not think that the paper should be the starting point. For a start, the paper is in the wrong order.

The Convener: It is set out according to the order in which the questions were put.

Karen Gillon: I am not criticising. The key question is, when will question time take place and what will it be about? If we do not know that, what is the point of asking members whether they want questions based on selection, or random questions, because they will not know how to answer? If we are going to question members, it is time for us to make some decisions. When I made my initial points, I thought that we were making a committee report. It is a different matter if we are not doing that and we are devising questions to put to members. I am happy to sit here and devise a questionnaire for members—that is not difficult to do. We have asked the general questions about themed question sessions. We now have a duty to

make some decisions, put the options to members, ask them for their views and then make a committee report based on that and the evidence that we have from the general public. If we do not do that, we will get into a muddle.

Mr McGrigor: Have we not asked enough questions? Should we not be able to make some sort of proposals now?

The Convener: We can make proposals now, Jamie, but what if we make proposals that the members do not think are acceptable? That is why we want to consult the members. Question time belongs to the members and not to this committee.

Mr McGrigor: I thought that we had already consulted the members.

The Convener: We have not put forward specific proposals for them to consider. That is what we want to do.

We all agree that the number of options is limited. There is the status quo; we can have thematic questions only; or we can have a split between thematic questions and general questions.

Mr McGrigor: Are you ruling out my suggestion of an extra question time on a Wednesday?

The Convener: No, we are not. We are talking about the type of questions and—

Mr McGrigor: Well, I would like to say—

The Convener: Jamie, quiet. I am speaking. At the moment, there are three options for the nature of question time. Then, there are two options for the timing of question time—or perhaps three options. There is the status quo; we can move question time to Wednesday; or we can have a split, with some questions on Wednesday and some in the existing Thursday slot. Those are the areas on which we need to consult members. If there are to be questions on a Wednesday, we will have to consider whether parliamentary business would start at 2 pm on Wednesday and/or on Thursday, rather than the present 2.30 pm. Those are the issues on which we need to consult members.

Mr McGrigor: Can we ask members whether they would like question time to move to the evening?

The Convener: I do not see general support for that in the committee.

Karen Gillon: We are the Procedures Committee of the Parliament. We have just endorsed the consultative steering group's principles and we are putting those principles up for debate in Parliament. A key element of the CSG principles is that the Parliament will be family friendly. It is not family friendly but, if we move

question time to the evenings, it will be even more family unfriendly. I have two young children and I am certainly not prepared to sit back and allow the Procedures Committee of the Parliament to go down that road.

The Convener: Are members agreed on the two areas on which we need to consult members? Are there other issues on which we should consult members, or are members happy that the committee will be able to make decisions on those other issues, based on the evidence that we receive?

Karen Gillon: I am not clear what we are asking. Are we asking a general question, such as "Do you want a themed question time, a general question time, or a mix of the two?"

The Convener: I would prefer the committee to say that it was minded to have a mix of themed and general questions and to ask members whether they agree with that or whether they prefer another option. We should give some steer as to what we want.

Mr McGrigor: I may be frightfully stupid, but would "status quo" mean that we leave things completely as they are?

The Convener: Yes.

Mr McGrigor: So there would be no thematic question time.

The Convener: Yes—that is exactly what it means.

Mr McGrigor: Have you ruled out the option of having a third question time on a Wednesday?

The Convener: No, we have not.

Mr McGrigor: Oh, right.

Cathie Craigie: We have not ruled anything out or in, it would appear.

The Convener: I will go through the options again. The first question will be, "Do you wish question time to be thematic only, general only—that is, the status quo—or a mixture, part thematic and part general?" The second question will be, "When do you want question time to be? Do you want it to be within the present sitting hours? Do you want it to be on a Wednesday with a 2 pm start? Do you want it to be on a Thursday with a 2 pm start? Do you want to have question time on both a Wednesday and a Thursday?"

Cathie Craigie: I do not know that those questions would give us a clear direction from members. We really have to say to members that the committee is minded—as you put it earlier, convener—to recommend that we should have themed question time slots. We should ask members for their opinion on that. If members

agree with that recommendation, they would have to decide whether to have the themed questions on a Thursday afternoon—perhaps with 20 minutes of themed questions and 20 minutes of general questions.

Alternatively, they could follow what seems to be the Executive's suggestion and opt to have a themed question time for 20 minutes on Wednesday and then a themed and general question time of 20 minutes each on Thursday. The other option is for question time to move to a Wednesday slot and for us to forget about the Thursday slot.

If we are to base our decisions on the responses of members, we have to put every option on the table so that members can consider them all. If we do not do that, we will have to issue another questionnaire when we come back in a fortnight.

11:30

The Convener: You have expressed the nature of the questions clearly, Cathie. That is helpful. Are there any other areas on which we should consult members in relation to the evidence that we have received?

Richard Baker: At the risk of creating a huge questionnaire that resembles a choose-your-own-adventure story, should we consult members about the structure of themed questions, a subject that Karen Gillon mentioned? For instance, the themed questions might be like spokespeople's question times with the spokespeople from the various parties asking the first questions.

Mark Ballard: If there were to be spokespeople's question times, I would be placed in the position of having to argue strongly for there to be three or even four spokespeople's slots, which would make the system unworkable.

The Convener: I am not sure that I detect a great deal of support for that. My reading of the evidence is that people would prefer questions to be selected randomly, as happens with question time at present.

Cathie Craigie: I would be happy to agree with a committee recommendation that there should not be set slots for party spokespeople and that they should take their chances with everybody else.

Mr McGrigor: Could we offer an option of having a partly thematic and partly general question time with the thematic questions being on a Wednesday and the general questions on a Thursday or vice versa?

The Convener: That is another option.

Karen Gillon: That is on my options paper. I have 17 options in front of me now.

The Convener: A move to a Wednesday does not necessarily mean that there will be no questions on a Thursday. There could be half an hour on Wednesday and half an hour on Thursday, for example.

Bruce Crawford: Richard Baker raised the possibility of having Opposition spokespeople ask the first questions, as if the session were a mini-First Minister's question time. Although I do not think that that is the way forward, we are in danger of deciding that we will definitely not do that. We do not have enough evidence to say that no one wants that option and, therefore, we should not close that option down.

We need to ask members whether they are prepared to give the Presiding Officer the power to group questions so that question sessions have a much greater focus on particular issues, which should allow the questioners to bear down on the ministers. That will not be easy for the Presiding Officer to arrange, but it might be necessary on occasion.

Karen Gillon: My only caveat is that the grouping should contain only those questions that were likely to be asked that day, not all the questions that had been selected. It would be wrong if question 25 got moved up to number 2.

Bruce Crawford: I agree.

Mark Ballard: It might be better to have fewer questions and more opportunity for supplementary questions to be asked. Having fewer questions means that there is less chance of duplication and having more supplementaries would give us the chance to bear down on the ministers, as Bruce Crawford suggested.

The Convener: We would have to make a recommendation about the number of questions selected for each slot. Although 30 questions might be appropriate for a 40-minute slot, that number would not be appropriate for a 20-minute slot. At the same time, however, we do not want to reduce people's opportunities in the ballot.

The first three questions in the paper with the summary of evidence and options for the committee relate to First Minister's question time, which we will deal with later, once the results of the experiment have gone through. However, are there any comments under question 4?

Bruce Crawford: The last bullet point in the box under question 4 asks:

"Should questions on the week's theme(s) be excluded from general QT on that week?"

That is an obvious question, which we need to answer if we are going to have a thematic question time and a general question time. Should the general question time not be allowed to

contain questions on the theme that has been chosen for thematic question time that week? That would seem to make sense.

Mr McGrigor: How would we do that?

Bruce Crawford: If health was the theme for the week and a health question that had been lodged for general question time was successful in the ballot, that question would drop out of general question time. People would know about the selection of the topic beforehand, however. There should be a natural selection process.

Cathie Craigie: That suggests that we ought to know some time in advance which theme has been selected for which week, with the dates possibly set at the beginning of the parliamentary term. Members would know when the relevant ministers would be coming before Parliament for thematic question time and they could avoid lodging questions on that theme for general question time that week.

Bruce Crawford: The chamber desk would have a role in advising and guiding members on which questions would be acceptable in a given week. That would not, of course, preclude someone from lodging a sneaky general question that was in fact about the subject area in question, if they wished. They could lodge a vague question but go on to try to ask a question on that week's theme. I am sure that that will happen—it is the nature of Parliament.

Mark Ballard: That is not what we do at the moment for oral questions.

Bruce Crawford: Should there be a slot for open-ended questions? That is another question. In thematic question time, should the minister be expected to take open questions?

The Convener: I do not detect a great body of evidence suggesting a desire for us to change the way in which questions are lodged and how themed or general they should be. I would be reluctant to move in that direction. Members may phrase questions in a fairly general way. A question could simply ask for the minister's view on the budget. That would pretty much be an open question.

Mark Ballard: That would require plenty of time to be left for supplementaries.

The Convener: Yes, but that would be a matter for the Presiding Officer.

Mark Ballard: I am talking about the time that we set.

Cathie Craigie: The whole point of moving to a thematic question time is to try to make question time more meaningful and to get into a subject. If the minister does not know what questions are coming up, how can she be prepared to give the

answers that the members seek? When we were discussing the issue earlier, our aim was to ensure that information was given and that question time was meaningful around a particular topic.

The Convener: Let us try to make some progress with the questions listed in the paper. I think that we have covered question 4. Question 5 is on the main options for the committee with regard to the random selection process for questions. I think that we are generally of the view that we do not want any change to the random selection process. We might wish simply to ask whether members are content with the random selection process.

Question 6 is on deadlines for lodging questions, which we have not explored in any great depth. I know that the Executive is keen not to reduce the length of the notice period. Is the committee happy with the current period of eight days?

Karen Gillon: If we want meaningful answers, let us give ministers the eight days that they think they need, which will give them no excuse for not giving us the answers.

The Convener: We do not propose any change between thematic and general questions—the notice period should be eight days for both. Is that agreed?

Members indicated agreement.

The Convener: Question 7 is about supplementary questions.

Cathie Craigie: Members who have asked a question should of course continue to get the first supplementary. We discussed whether they should come back in and get the last supplementary, but the committee's general feeling was that that should not happen and that the member would have had their opportunity in the first supplementary.

The Convener: It is not in the rules that the member who asks the initial question should get the first supplementary, but it is the practice. I have never known a situation when that does not happen, unless a member waives their right.

Cathie Craigie: Is it in the gift of the Presiding Officer to decide who gets in?

The Convener: Yes. The question is whether we want to write what happens in practice into the rules. I am not entirely sure that we need to do that.

Bruce Crawford: It is already the practice.

Karen Gillon: Are we proposing that changes be made to the standing orders?

The Convener: If we are going to make changes, we will have to propose changing standing orders.

Karen Gillon: If we do, we should write in a change to allow the member who asks the question to get the first supplementary automatically. That should be standard practice.

Bruce Crawford: So we are asking whether we wish that to happen.

Karen Gillon: Members will not even notice that the rule is not in the standing orders.

The Convener: We are talking about changing our current practice into a rule. If we recommend changes to the standing orders as a result of this discussion, we will add that recommendation into our report.

The next question is whether there should be a rule that requires questions and answers to be brief and relevant.

Bruce Crawford: If the questioner has to be brief and relevant, it is only fair and in line with the CSG principles for the minister also to be expected to be brief and relevant. That is not what happens in other places, but we ain't the other places. One of the founding principles of the Scottish Parliament was power sharing, along with accountability and openness. It is difficult to achieve those principles without the Presiding Officer having some sort of power to intervene at some stage if the situation gets extraordinary.

The Convener: Do members want me to include the recommendation that ministerial answers be brief and relevant?

Bruce Crawford: Should that be put into the standing orders?

The Convener: Yes. I am not entirely sure how to define the question. Rather, I know how it should be defined in the standing orders, but not—

Bruce Crawford: That is a job for the Presiding Officer.

Richard Baker: The Presiding Officer said that he could get a message to ministers by giving them an indication such as nodding at them. I think that the question should be asked.

The Convener: Another area that we looked at was emergency questions. Do members feel that we need to revise the emergency question procedures at present?

Bruce Crawford: I think that we do. I read some of the evidence that I think has come from Wales, where there is an emergency process and an urgent category. We have not taken evidence on that option. The process allows a question to be raised on a subject that is not an emergency but is about a pressing issue. I would have thought that there would be a demand from back benchers to ask urgent questions on a constituency issue. The issue might not be a national emergency, but it could be a crisis in the constituency.

Cathie Craigie: From what has happened in the past, it seems that the Presiding Officer is usually conscious of the fact that an emergency issue has arisen in a constituency. If such an issue has arisen, the Presiding Officer lets the member in at some point during First Minister's question time.

The Convener: First Minister's question time is open enough at present to allow that to happen. The problem with emergency questions is the requirement for them to be answered on the same day. That is a difficult test.

Mr McGrigor: Something like a strike or—

Cathie Craigie: An emergency seems to happen every day—or every Wednesday or Thursday—for some constituency MSPs. A judgment has to be made about what is an emergency and what is urgent, although I recognise that some people might see them as the same thing. The evidence that we took from the Presiding Officer and members on the subject shows that there does not seem to be any disquiet with the current system.

Bruce Crawford: That is because we did not ask the question about the Welsh model.

Cathie Craigie: Let us write to the Presiding Officer and ask for his views on that.

Mark Ballard: On Cathie Craigie's point, one of the best arguments that I have heard for keeping open questions at First Minister's question time is that that gives an opportunity for members to come in—for example, after David McLetchie has asked his question—with a question on an issue that the Presiding Officer judges to be urgent. The same process of Presiding Officer judgment comes into the consideration of emergency questions. We are evolving towards a situation in which urgent questions can be asked at the discretion of the Presiding Officer.

The Convener: That happens in First Minister's question time. If we move to having a question time on Wednesdays, do we need to introduce a similar system for ordering that question time? We have not taken any evidence on that and I do not think that we can make any recommendations. We could certainly write to the Executive and the Presiding Officer to ask whether they have a view on the Welsh system. There is no harm in that.

11:45

Karen Gillon: It speaks volumes that we have not consulted on the matter. Nobody has raised the issue. Nobody has said, "If I have an urgent issue, I can't get it on to the agenda." There are other ways of acting. I would get on the phone to a minister before I would ever ask a question. I tell them what has happened and ask for information on it. Nine times out of 10 I get the information that

I want. That might not happen to everybody, but I do not necessarily have to grandstand in the chamber on every constituency issue; I need to get the information and there are ways and means of doing so.

Bruce Crawford: I am raising the issue because it was raised as part of the evidence. We needed to have a discussion on it. I accept what has been said. The issue has not been addressed anywhere, but it is now off the agenda and I understand that. I am just trying to ensure that we do this right.

The Convener: Do members want me to write to the Presiding Officer and the Executive to get their views and comments on the Welsh procedure? We do not necessarily want a recommendation, but there is no harm in getting their views.

Members indicated agreement.

The Convener: We decided not to pursue the Conveners Group issue at this stage, so we can ignore question 10.

Karen Gillon: We need to take a view on that question. From the evidence that I have read, nobody is in favour of the proposal. We should say that we do not want it to happen. If we do not say that, the suggestion will always float about. We should rule it out in the report.

The Convener: We can do that if you want. We could say that we did not consider the suggestion because nobody wanted it. I am perfectly happy with that.

Cathie Craigie: Perhaps we should say that we ruled it out because the Conveners Group does not have a political role.

The Convener: Yes, we will think of a more sensible way of putting it. We shall say that we did not think that the remit was appropriate.

Question 11 is on whether the Scottish Parliamentary Corporate Body or the Presiding Officer should be asked regular oral questions. There does not seem to be a huge demand for that. Is there any reason why we should not amend the standing orders to allow it to happen if there is a need for it?

Bruce Crawford: There is one good reason for the suggestion. If we have no other mechanism for holding the parliamentary estate to account, a small occasional slot would not be a bad idea. Members are concerned about some housekeeping issues, but they tend just to keep quiet and continue to be frustrated about them. Perhaps the suggestion would allow us to give those issues an airing.

Mark Ballard: I note that the report states that such a mechanism exists in the National Assembly for Wales, where it seems to work.

Richard Baker: Some of the most controversial issues in the Assembly have arisen through those questions, such as where members sit, which was a huge issue for a while. I hope that we would not get involved in such frivolities.

The Convener: I was suggesting only that we amend the standing orders to make such questions possible, but leave it to the Parliamentary Bureau to decide when they should happen.

Karen Gillon: The suggestion is valuable. If we had had a regular slot on questions to the corporate body when the Parliament was first set up, we might have had more information about the Holyrood project as it was progressing. The process could be useful for us.

The Convener: You are making the assumption that anyone knew what was happening with the Holyrood project.

Bruce Crawford: Such questions would have made the corporate body find out, that is for sure.

The Convener: We probably have enough on that.

Karen Gillon: Will you run the draft questionnaire past members for comment?

The Convener: Yes, we will circulate it for comment. Do members agree to that?

Members *indicated agreement.*

Item in Private

11:49

The Convener: We come to agenda item 2, which is a standard item. If we are in a position to bring to the next meeting a draft report on the oral questions inquiry, do members agree to consider it in private?

Members *indicated agreement.*

Non-Executive Bills

11:49

The Convener: If we thought the previous issue was difficult, we now move to agenda item 3, which is on non-Executive bills. I have put the issue off for a couple of meetings in the hope that the Parliamentary Bureau would reach a conclusion and present us with a proposal to consider. However, as I understand that the bureau is not close to reaching a conclusion, I feel that the committee ought to start the process so that at least there is some prospect of the matter being dealt with, even if the business managers cannot reach agreement. The members of the committee who are business managers might be able to update us on progress on the talks.

The paper from the clerk contains a number of options, but the logical one would be for us to take as our working document the draft proposal produced by the Parliamentary Bureau in the previous session, although I am not saying that that proposal should be our conclusion. We should conduct our inquiry based on that draft proposal. It would be helpful if the bureau agreed changes and produced an alternative paper, but we cannot leave the matter lying. The Parliament needs to know what will be done with the large number of proposals for members' bills.

It is not reasonable for us to expect the officers of the Parliament to decide on the prioritisation of bills for the provision of parliamentary resources. Within the Parliament's overall capability for dealing with legislation, we must have a process of prioritisation; otherwise, committees may become overloaded with members' bills. At present, under the standing orders, committees cannot carry out anything other than a stage 1 inquiry when bills are put before them. We must find a way of addressing the problem.

Bruce Crawford and Mark Ballard might be able to update us on discussions in the bureau.

Bruce Crawford: I agree that we need a prioritisation process for members' bills—no one doubts that. However, from meetings that Mark Ballard and I attended last week, it seems that the pressure on the non-Executive bills unit's resources is not as great as the earlier examination of the process suggested. We were told clearly that, because NEBU has received additional resources, it can deal with four to six bills a year. The paper from the clerk does not mention those additional resources or their scale.

Many issues need to be discussed—which is what we will do in the inquiry—but the interesting issue now is whether we should use the previous bureau's paper as the starting point for the inquiry.

In the lead-up to the production of that paper, a number of options were proposed to the bureau, including one that is not listed in the paper from the clerk, which is to have a committee of back benchers to help with the prioritisation process for members' bills, rather than that being done by the bureau, as suggested in the previous bureau's paper. Given that the bureau has political weighting, that suggestion has obvious difficulties for back benchers. The issue is not as straightforward as saying that the bureau should make a recommendation to the Parliament on prioritisation—other proposals should be considered, such as that for a committee of back benchers.

As I am not convinced that the present bureau will adopt the former bureau's position, using the paper from the former bureau might not be the right way to start. We might not be far away from having a decision from the bureau.

The Convener: I was merely suggesting that we use that paper as a working document. We can take evidence on the other options. I am not saying that we will definitely propose what is suggested in the paper, but we need a starting point and that paper is the only starting point that we have, unless the bureau produces an updated version or even an updated draft version.

Bruce Crawford: There is a bureau paper that outlines the options that it considered, which would be an equally good starting point.

The Convener: We do not have that paper. We must use what the bureau has given us; if there is an alternative paper that we could use as a starting point, I am happy to consider that, but we must start somewhere. My suggestion does not exclude the consideration of alternative options for prioritisation; the bureau's paper is simply a starting point. Without it, we would start with a blank sheet of paper and it might take us 12 months to come up with something. If we start with something on the table, we should be able to reach some conclusions in a reasonable time, even if they do not appear in the paper that we are considering.

Cathie Craigie: I share your concerns and think that we must move forward. I do not think that the bureau has covered itself in glory, given the length of time that it is taking to sort things out. Back benchers are talking about the issue and they want a recommendations paper to be produced so that they can make decisions on it.

As a back bencher and a member of a political party, I point out that if the bureau has political weighting, so does the Parliament. Whoever makes the decision—whether it is the bureau or a committee—the political weight of the Parliament should be represented. We must send a message

to the bureau that we want it to make some decisions and that, as a committee, we must get started on the process.

Mark Ballard: The first point is that, when the Procedures Committee first got the papers, they included the previous bureau proposal and the paper that went to the bureau from the clerks. That was the paper to which Bruce Crawford was referring; it was sent to us.

The Convener: I am sorry. If that was the paper to which Bruce Crawford was referring, I am aware that it was sent to us. When I referred to the bureau paper, I was including the annexes to it.

Mark Ballard: This committee has received the paper from the clerks to the previous bureau, which contained a range of options.

The previous bureau responded with a proposal based on that original paper. That proposal came back to the current bureau, which is 50 per cent larger and has a different make-up. It would be fair to say that the current bureau could not automatically sign off and agree to that proposal. That is why we are in a situation in which the bureau is having difficulty dealing with the paper.

That shows me that the bureau is not necessarily the most effective place to hold the kind of consideration process that is taking place with the bureau paper. As someone who is on the bureau, I can see that it is good at setting time limits and making decisions in situations in which a quick response can be taken from every party representative. What it seems to be poor at is more detailed, longer-term consideration. That is why I have concerns about the bureau's effectiveness in dealing with complicated issues involving consideration of the merits of one bill compared to those of another. That is why I go back to the paper with which the bureau started, which had a range of different options for how one could get a group of people to consider bills.

Karen Gillon: If you were to go for the committee option, would you accept that the committee should be based on the proportionality of the Parliament?

Mark Ballard: Yes.

Karen Gillon: So it would have an Executive majority.

Mark Ballard: It would not be the business managers who were involved.

Karen Gillon: Nonetheless, it would still have an Executive majority.

Mark Ballard: Yes.

Cathie Craigie: If we take that argument to its extreme, should Mark Ballard and Bruce Crawford be taking part in this debate, because they are

business managers? Should they be involved in the Procedures Committee?

Mark Ballard: Everyone has to wear different hats in different circumstances.

Cathie Craigie: Exactly; that proves the point.

Bruce Crawford: The issue here is not about whether a member's bill should get support when it gets to stage 1, because it is evidently the case that when a bill goes before the Parliament at stage 1 the Executive has a majority. The issue is which members' bills get some support to go that far. I am not talking about political support, but about the resources that are available from NEBU to allow such bills to be progressed. That is not about politics; it is about allowing a group of people to come to a decision on whether a particular bill is a possibility, fits all the criteria at a certain level—there will need to be a threshold—and will get NEBU's support to progress to the next stage. At that stage, the bill will not even have reached stage 1. It is right that, at stage 1, the Executive, if it wishes, has the opportunity to use the whip on a bill to kill it.

The Convener: The issue is about slightly more than just NEBU resources.

Bruce Crawford: It is also about parliamentary time. I realise all that.

The Convener: It is about parliamentary time and, more specifically, committee time because, at present, there is no way of controlling what goes to committee once a bill has been lodged—it has to go to committee and has to be dealt with at stage 1, even if it has no chance of getting any further than stage 1. That takes up a lot of committee resources and time.

Bruce Crawford: That is where the bureau comes in.

The Convener: Exactly. The approach gives Parliament some say in which member's bills go through. It controls the Parliament's overall legislative programme in a more manageable way and allows the allocation of resources—

Bruce Crawford: I have already agreed that we should have a prioritisation process.

12:00

The Convener: All that I am suggesting is that the proposal from the previous bureau—that includes the background papers—is a reasonable starting point for an investigation into whether the proposal is reasonable or whether other things need to be considered.

If the present bureau comes up with an alternative proposal in the near future, and I hope that it will, that will make a more sensible starting

point for our inquiry. We have no indication from the bureau of when such a proposal is likely, so it is the Procedures Committee's responsibility to take the matter on and deal with it. That is why I suggest that we start an inquiry based on the paper from the previous bureau, which is the only paper that we have. We can then decide what evidence we need to take—for example, from the non-Executive bills unit, from people who have been through the process and from the bureau or the business managers.

Mark Ballard: In the paper from the clerk, three options are outlined. The first is the option that was favoured by the previous bureau's paper, the basic idea being that the Parliament would be invited periodically to debate the various member's bill proposals lodged, and then select a limited number of them to receive parliamentary resources. The second option is to make proposals subject to individual chamber approval, whereby a new procedural step is introduced into the member's bill process so that each proposal would have to be brought to the chamber for initial debate or decision, prior to introduction. The third option is to raise the proposal threshold by increasing the number or range of required supporters.

We already have a range of options to consider; we are not dealing only with the paper from the previous bureau. In these circumstances, I am worried that we are closing down too many options.

The Convener: I suggest that, if the committee is to manage the process, we must close down the options a bit and have a more focused inquiry. Otherwise, we might end up with a blank sheet inquiry that would take 12 months. The business managers have not come to a conclusion after three or four months. If the Procedures Committee wants to come to a conclusion, we must have a degree of focus in our inquiry. That does not rule out people coming up with alternative views, but we do not want a blank sheet inquiry.

Bruce Crawford: I have a contrary view. If that is your suggestion, convener, I think that Mark Ballard is dead right. We must take the clerk's paper, add the other option that we suggested—a committee of back benchers—and start an inquiry around that. That is the real nature of the discussion. If we choose only option 1 from the paper, we are making decisions and starting to close down options far too fast.

Karen Gillon: To be perfectly honest, I do not give a damn who makes the selection: the bureau, a proportional committee of back benchers based on d'Hondt, or the Parliament. I am far more concerned about the selection process and the criteria that must be fulfilled. We are putting the cart before the horse.

Ultimately, whoever draws up the motion, whether it is the bureau or a committee of back benchers—which will also have an Executive majority—it will still go to the Parliament to make the final decision through a vote. The key thing for us to consult on is the criteria that bills need to fulfil before they are ever put to the committee for selection.

Bruce Crawford: That is in option 3.

The Convener: It is included in option 1.

Bruce Crawford: Option 3 in the clerk's paper is to raise the proposed threshold—that is all about criteria. By taking only option 1, we would be talking about a specific set of criteria laid down by the previous bureau and we would not take account of the thresholds that the committee might think appropriate.

The Convener: I had hoped that the business managers would have come to some conclusions on the matter by now. I am surprised and disappointed that the business managers seem to be unable to make decisions and recommendations on how the Parliament should operate. The committee does not want to spend 12 months on an open-ended inquiry. I therefore recommend that we concentrate our inquiry on option 1 in the paper at this stage. That does not stop alternatives being proposed as part of the inquiry because that is in the nature of an inquiry. I am making that proposal. Are we agreed?

Mark Ballard: Can I make an alternative proposal?

The Convener: Absolutely.

Mark Ballard: I propose that we do as Karen Gillon suggested and investigate what the criteria should be. Once we have worked that out, we can decide on what the most effective body is to scrutinise bills—

The Convener: With respect, option 1 includes criteria in paragraphs 38 and 39.

Mark Ballard: But Karen Gillon was right to say that it is where we start that matters and that will determine our focus. I am therefore proposing that we start with the criteria then decide on the body rather than starting with a proposal that is all about the body, with the criteria as a sub-set of that.

The Convener: I do not think that those two things are mutually exclusive. Option 1 starts with the frequency of the procedure, who decides and the mechanism for choosing.

Karen Gillon: Convener, may I suggest one amendment to your proposal, to try to accommodate everyone's concerns? We should include in our inquiry the option that the question be decided by a parliamentary committee, along with the option that the bureau decides, and that

the recommendation from whichever of those bodies then goes to the parliament. If we do that, we can deal with the criteria for both those options at once. We would then ask whether the bureau or a committee should decide and consult on the key consideration of where that decision should be made. We have to consult on both those options, if we are honest.

Bruce Crawford: We then go back to the fundamental issues of thresholds and criteria.

Karen Gillon: Yes, and there is a lot of that in the paper.

The Convener: It is included in option 1.

Bruce Crawford: You are trying to box us in to a situation.

The Convener: I am not trying to box you into anything, Bruce. I am trying to get the committee to have a focused inquiry on the issues that we have to consider.

Bruce Crawford: I think that Karen has given us a way out here.

The Convener: I do not think that there is a problem with that. It is not exclusive to anything I have already said, but it is a starting point for an inquiry.

Bruce Crawford: You have moved your position, and quite rightly too.

The Convener: Sorry?

Bruce Crawford: You have moved your position, and quite rightly too.

The Convener: I have not moved my position, Bruce. I said all along that the paper's position is that the options should be explored. That is what Karen Gillon has suggested and I propose that we accept the recommendation that we use option 1 as the basis of our inquiry, but consider the option of a parliamentary committee, as well as the bureau. Are we agreed?

Members *indicated agreement.*

The Convener: Before we part, I remind members about the civic forum meeting next Tuesday. I am pleased to say that Bruce Crawford and Richard Baker have agreed to represent the committee at that event. I will also try to attend for at least part of the evening.

I also remind members that the CSG debate is next Wednesday afternoon. Members should try to be present in the chamber for that. I am sending a letter to back-bench members today encouraging them to participate in the debate.

Mark Ballard: During the debate, is it intended that the members of the current committee will sit there and listen or it is envisaged that we contribute?

The Convener: When we discussed this at the away day, the view was that the present committee should listen to the debate. Karen Gillon will open the debate but Kenny Macintosh will make the main introductory speech as a member of the former committee. I will do a brief summing-up speech to pick up on the issues that are raised throughout the debate.

Mark Ballard: Thank you.

Meeting closed at 12:09.

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